

NAME **LARRY JONES**

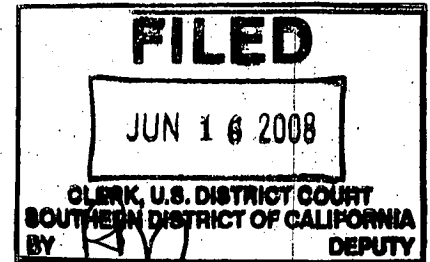
PRISON NUMBER

E-17215

CURRENT ADDRESS OR PLACE OF CONFINEMENT

P.O. Box 5004

CITY, STATE, ZIP CODE

Calipatria CA. 92233*Original***UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA****LARRY VERNON JONES**
(FULL NAME OF PETITIONER)**PETITIONER***in Pro/se*(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER (E.G., DIRECTOR OF THE
CALIFORNIA DEPARTMENT OF CORRECTIONS))**L.E. Scribner**
and**RESPONDENT****warden**The Attorney General of the State of
California, Additional Respondent.**Edmund G. Brown**

Civil No

08CV0623-JLS(RBB)

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

**SECOND AMENDED
PETITION FOR WRIT OF HABEAS CORPUS****UNDER 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY****first challenge / calculation of
Release Date
Hill v. Alaska 9th Cir (2002)**

1. Name and location of the court that entered the judgment of conviction under attack:

Superior Court of Los Angeles County

2. Date of judgment of conviction:

3. Trial court case number of the judgment of conviction being challenged:

Superior Court # LA015282 / This petition challenges (Parole)

4. Length of sentence:

78 yrs

5. Sentence start date and projected release date:

4/27/94 - 5/28/2071

6. Offense(s) for which you were convicted or pleaded guilty (all counts):

289, 288a(c) 261A(2) 286(c) 203, 211 11 counts
Total

7. What was your plea? (CHECK ONE)

- (a) Not guilty ☒
(b) Guilty ☐
(c) Nolo contendere ☐

8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)

- (a) Jury ☒
(b) Judge only ☐

9. Did you testify at the trial?

☐ Yes ☒ No

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the California Court of Appeal?

☒ Yes ☐ No

11. If you appealed in the California Court of Appeal, answer the following:

(a) Result: Affirmed

(b) Date of result (if known):

(c) Case number and citation (if known):

(d) Names of Judges participating in case (if known): B084730 2nd Dist Ct of Appeal

(e) Grounds raised on direct appeal:

See record on Appeal please.

12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:

(a) Result: Petitioner did reach cal supreme on connection on record.

(b) Date of result (if known): ?

(c) Case number and citation (if known): ?

(d) Grounds raised:

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

(a) Result:

(b) Date of result (if known):

None

(c) Case number and citation (if known):

(d) Grounds raised:

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

☐ Yes ☐ No

15. If your answer to #14 was "Yes," give the following information:

(a) California Superior Court Case Number (if known):

(b) Nature of proceeding:

(c) Grounds raised:

(d) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☐ No

(e) Result:

(f) Date of result (if known):

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

☒ Yes ☐ No

17. If your answer to #16 was "Yes," give the following information:

- (a) **California Court of Appeal** Case Number (if known):
- (b) Nature of proceeding: Habeas Corpus
- (c) Names of Judges participating in case (if known)
- (d) Grounds raised: Not this present issue / see record on Appeal
- (e) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (f) Result:
- (g) Date of result (if known):

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the **California Supreme Court**?

☐ Yes ☒ No

19. If your answer to #18 was "Yes," give the following information:

- (a) **California Supreme Court** Case Number (if known):
- (b) Nature of proceeding: Not on this issue
- (c) Grounds raised:
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (e) Result:
- (f) Date of result (if known):

20. If you did **not** file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the **California Supreme Court**, containing the grounds raised in this federal Petition, explain briefly why you did not: Procedural Default

2254(b)(1)(B) Excuses a Petitioner from exhaustion if there is an absence of available state corrective process. The no corrective process exception allows federal courts to adjudicate claims not raised in state court in following circumstance (2) The states post conviction remedy does not afford relief to this type of claim: Wilwording v. Swenson 404 U.S. 249 (1971)

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your **first** federal petition for writ of habeas corpus challenging this conviction?

☒ Yes ☐ No

(If "YES" SKIP TO #22)

- (a) If no, in what federal court was the prior action filed?

- (i) What was the prior case number?

- (ii) Was the prior action (CHECK ONE):

Denied on the merits? ☐

Dismissed for procedural reasons? ☐

- (iii) Date of decision:

- (b) Were any of the issues in this current petition also raised in the prior federal petition?

☐ Yes ☒ No

- (c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?

☐ Yes ☐ No

N/A

Parole matter

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present **all** other grounds to the California Supreme Court before raising them in your federal Petition.
- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

GROUNDS FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. (e.g. what happened during the state proceedings that you contend resulted in a violation of the constitution, law or treaties of the United States.) If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE:** C.D.C.R. Parole scheme violates petitioners Due Process Rights by setting his term and Parole from unverified court documents sent to them by committing county. His term becoming void. Supporting FACTS: Making his Detention illegal under Federal LAW.

On September 13 1995, the committing county of petitioner made an amended Abstract of Judgment Judicially Altering petitioners term. The minutes to this hearing is not documented as there is no court reporter. These facts make petitioners term void and in violation of Due Process as C.D.C.R. has used these documents to detain petitioner illegally and without Due Process of Law. In their Parole scheme.

Frank v. Mangum 237 U.S. at 327

Charlotte v. Fordice 515 U.S. 37, 44, 47 (1995)

2254 (b)(1)(B) Procedural Default Absent state process
 Did you raise GROUND ONE in the California Supreme Court? Wilwording v. Swenson (supra) (1971)
☐ Yes ☒ No. (Parole matter) and petitioner has filed Admin Remedy Denied.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

(b) **GROUND TWO:** Does C.D.C.R. violate MANIFEST miscarriage of Justice when it uses documents to set petitioners parole date that have NO court reporter at the hearing?

Supporting FACTS:

C.D.C.R. Policy of accepting sentencing papers from committing county without verification as to the documents being official spell a Nexus between the two Agencies, C.D.C.R. and committing county court to violate petitioners right to liberty and due process as there are no safeguards in place even though petitioners 1995 minutes clearly state "No reporter present" Petitioner is illegally detained in C.D.C.R.

McCleskey v. Zant 499 U.S. 467 494 (1991) Coleman v. Thompson

501 U.S. 722 750 1991

2254(b)(1)(B) Procedural Default Absent
State corrective Process
Wilwarding v Swenson (Supra) (1971)

Did you raise **GROUND TWO** in the California Supreme Court?

☐ Yes ☒ No.

Parole matter Petitioner Filed admin. appeal Denied

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

(c) **GROUND THREE:** Does C.D.C.R. violate Federal LAW IN NOT SCREENING the inception of forged sentencing papers sent on behalf of petitioner to continue petitioner's detention?

Supporting FACTS:

For C.D.C.R. to accept the minutes of 1995 hearing and the amended abstract, a policy had to be in place. A policy to protect the petitioners rights, a policy not to apply unjust acts which continue to take petitioners liberty from him: C.D.C.R. did not use this policy, which therefore makes their parole scheme as applied to petitioner in violation of the U.S. constitution.

Morrissey v. Brewer (Supra)

IN RE CONVERSE 137 U.S. 624 631 (1890)

Ex Parte Yarbrough 110 U.S. 651 653 1884

Procedural Default Absent state corrective

2254(b)(1)(B)

Process

Wilwording v. Swenson Supra (1971)

Did you raise **GROUND THREE** in the California Supreme Court?

☐ Yes ☒ No.

Parole matter

Administ appeal denied

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

(d) **GROUND FOUR:**

Supporting FACTS:

Did you raise GROUND FOUR in the California Supreme Court?

☐ Yes ☐ No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?

☐ Yes ☒ No

24. If your answer to #23 is "Yes," give the following information:

(a) Name of Court:

(b) Case Number:

(c) Date action filed:

(d) Nature of proceeding:

(e) Name(s) of judges (if known):

(f) Grounds raised:

(g) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☒ No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing

(b) At arraignment and plea

(c) At trial N/A

(d) At sentencing

(e) On appeal

(f) In any post-conviction proceeding .

(g) On appeal from any adverse ruling in a post-conviction proceeding:
N/A

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

☐ Yes ☒ No

(This is a parole matter)

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

☐ Yes ☒ No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

☐ Yes ☒ No

28. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 2254 habeas cases filed in this district, the parties may waive their right to proceed before a district judge and consent to magistrate judge jurisdiction. Upon consent of all the parties under 28 U.S.C. § 636(c) to such jurisdiction, the magistrate judge will conduct all proceedings including the entry of final judgment. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to consent to a magistrate judge as it will likely result in an earlier resolution of this matter. If you request that a district judge be designated to decide dispositive matters, a magistrate judge will nevertheless hear and decide all non-dispositive matters and will hear and issue a recommendation to the district judge as to all dispositive matters.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including the entry of final judgment, by indicating your consent below.

Choose only one of the following:

☐ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☒ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

29. Date you are mailing (or handing to a correctional officer) this Petition to this court:

June 10, 2008

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

June 10 2008

(DATE)

Harry Jones

SIGNATURE OF PETITIONER

in pro se

Petitioner prays this court use Rule 2(e)
as petitioner is pro se and doing his legal
best in a strange field called the law.

Exhibits

Abstracts of Judgement

Minute orders

Legal status summary sheet

Term calculation sheets

Exerpts of Appeal transcripts Account
of Petitioners original sentencing

Motion for Appointment of counsel

CDC#
E17215

OK'D TO GO S/W NOTED

ABSTRACT OF JUDGMENT - PRISON COMMITMENT APR 22 1994

FORM DSL 290

☒ SUPERIOR
☐ MUNICIPAL
☐ JUSTICE } COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

COURT (I.D.): 1900007
BRANCH OR JUDICIAL DISTRICT: NORTHWEST
388625/A

PEOPLE OF THE STATE OF CALIFORNIA vs. ☒ PRESENT LA015282 - A
DEFENDANT: 01) JONES, LARRY VERNON
AKA: JONES, LAWRENCE VERNON ☐ NOT PRESENT - B
COMMITMENT TO STATE PRISON AMENDED ABSTRACT ☐ - C
STRAT OF JUDGMENT - D
E OF HEARING (MO) (DAY) (YR) 4-4-94 DEPT. NO. NW E JUDGE SANDY KRIEGLER CLERK M. CRUZAT
PORTER A. FENNER COUNSEL FOR PEOPLE K. CADY COUNSEL FOR DEFENDANT M. GOTTIER DPD PROBATION NO. OR PROBATION OFFICER X 215946

94 APR 27 AM 7:27

ENTERED INTO OBIS

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES (OR ALTERNATE FELONY/MISDEMEANORS):

☐ ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT

(NUMBER OF PAGES)

COUNT	CODE	SECTION NUMBER	CRIME	DATE OF CONVICTION	CONVICTED BY	SENTENCE RELATION	PRINCIPAL OR CONSECUTIVE TIME IMPOSED
1	PC	289	PENITR FORG OBJ	93 03 02 94	X	M	6
2	PC	261(A)(1)	FORCE ORAT COP	93 03 02 94	X	M	6
3	PC	261(A)(2)	FORCE RAPE	93 03 02 94	X	M	6
4	PC	266(G)	SODOMY BY FORCE	93 03 02 94	X	M	6
5	PC	261(A)(2)	FORCE RAPE	93 03 02 94	X	M	6

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC. For each count list enhancements individually. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for enhancements on each line and enter total in right-hand column.

Count	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total
1	12022.8	5									5
4	12022.8	5									5

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER. List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b) list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total
667(A)	5	667(A)	8							5

4. INCOMPLETED SENTENCE(S) CONSECUTIVE:

COUNTY	CASE NUMBER	CREDIT FOR TIME SERVED

5. OTHER ORDERS THE CRT ORDERS DEPT BE TESTED FOR THE AIDS VIRUS PURS TO 1202.1 PC.

Use additional sheets of plain paper if necessary.

6. TOTAL TIME IMPOSED ON ALL ATTACHMENT PAGES (FORM DSL 290-4):

7. TIME STAYED TO COMPLY WITH 5-YEAR OR 10-YEAR LIMIT ON SUBORDINATE TERMS, DOUBLE-BASED-TERM LIMIT, ETC. (Do not include § 654 stays or discretionary stays of term for enhancements.)	33
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8. TOTAL TERM IMPOSED:

9. EXECUTION OF SENTENCE IMPOSED:	78
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A. ☒ AT INITIAL SENTENCING HEARING B. ☐ AT RESENTENCING PURSUANT TO DECISION ON APPEAL C. ☐ AFTER REVOCATION OF PROBATION D. ☐ AT RESENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(d)) E. ☐ OTHER

10. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR)	CREDIT FOR TIME SERVED IN CUSTODY	TOTAL DAYS (INCLUDING)	ACTUAL LOCAL TIME	LOCAL CONDUCT CREDITS	STATE INSTITUTIONS
4-4-94	302	202	100		

11. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

☒ FORTHWITH INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-CLINIQUE CENTER LOCATED AT:
☐ AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS
☐ CALIF. INSTITUTION FOR WOMEN - FRONTIERA
☐ CALIF. MEDICAL FACILITY - VACAVILLE
☒ CALIF. INSTITUTION FOR MEN - CHICO
☐ DEUEL VOC. INST.
☐ SAN QUENTIN
☐ OTHER (SPECIFY):

I hereby certify the foregoing to be a correct abstract of the judgment made by the court.

DEPUTY'S SIGNATURE

4-19-94

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for determining sentence and must be referred to in this document.

Form Adopted by the Judicial Council of California Effective April 1, 1992

ABSTRACT OF JUDGMENT - PRISON COMMITMENT FORM DSL 290

Pgs C. 1213.5

DISTRIBUTION:

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WHITE COPY - ADMINISTRATIVE OFFICE OF THE COURTS

WHITE COPY - ADMINISTRATIVE OFFICE OF THE COURTS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994
 HONORABLE: SANDY R. KRIEGLER
 J ROUND

JUDGE
 Deputy Sheriff

M CRUZAT
 G GORKOS

Deputy Clerk
 Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA
 VS

Counsel for People:

DEPUTY DISTRICT ATTY: K CADY

01 JONES, LARRY VERNON
 AKA 01 JONES, LAWRENCE VERNON

Counsel for Defendant:

M GOTTLIEB DPD

261.A2 3 cts 289 1 ct 288a(c) 2 cts
 286(c) 3 cts 203 1 ct 245(A)(1) 1 ct

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

Trial, continued from March 1, 1994, resumes with counsel, defendant and jurors present.

At 9:10 a.m., the Court unseals the envelope containing the verdicts and the following verdicts are read:

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES guilty of ANAL OR GENITAL PENETRATION BY A FOREIGN OBJECT, in violation of Penal Code Section 289, a Felony, as charged in Count One of the information.

We further find the allegation that the defendant LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be TRUE.

This 1 day of March, 1994 /s/ Robert A. Rivard/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES guilty of FORCIBLE ORAL COPULATION, in violation of Penal Code Section 288a(c), a Felony, as charged in Count Two of the information.

We further find the allegation that the defendant LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of FORCIBLE RAPE, in violation of Penal Code Section 261(a)(2), a felony, as charged in Count Three of the information.

We further find the allegation that the defendant LARRY VERNON JONES, inflicted great bodily injury upon the victim, TERRY MARIE JIM, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ ROBERT A. RIVARD/s/ FOREMAN"

MINUTE ORDER

MINUTES ENTERED

3-2-94
 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE M CRUZAT
Deputy Sheriff G GORKOSDeputy Clerk
Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA
VS

Counsel for People:

DEPUTY DISTRICT ATTY:

K CADY ✓

01 JONES, LARRY VERNON ✓

AKA 01 JONES, LAWRENCE VERNON

Counsel for Defendant:

M GOTTLIEB DPD ✓

261.A2 3 cts 289 1 ct 288a(c) 2 cts
286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the defendant LARRY VERNON JONES, guilty of SODOMY BY USE OF FORCE, in violation of Penal Code Section 286(c), a felony, as charged in Count Four of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terry Marie Jim, within the meaning of Penal Code Section 12022.8 to be TRUE.

This 1 day of March, 1994/s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of FORCIBLE RAPE, in violation of Penal Code Section 261(a)(2), a felony, as charged in Count Five of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ROBERT A RIVARD/s/, Foreman"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES, guilty of SODOMY BY USE OF FORCE, in violation of Penal Code Section 286(c), a felony, as charged in Count Six of the information.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of FORCIBLE RAPE, in violation of Penal Code Section

MINUTES ENTERED

3-2-94
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
G GORKOSDeputy Clerk
Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA
VS

Counsel for People:

DEPUTY DISTRICT ATTY: K CADY

01 JONES, LARRY VERNON

AKA 01 JONES, LAWRENCE VERNON

Counsel for Defendant:

M GOTTLIEB DPD

261.A2 3 cts 289 1 ct 288a(c) 2 cts
286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

261(a)(2), a felony, as charged in Count Seven of the Information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994/s/ROBERT A. RIVARD/s/ Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES, guilty of SODOMY BY USE OF FORCE, in violation of Penal Code Section 286(c), a felony, as charged in Count Eight of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terry Marie Jim, within the meaning of Penal Code Section 12022.8 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/ Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES, guilty of FORCIBLE ORAL COPULATION, in violation of Penal Code Section 288a(c), a felony, as charged in Count Nine of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of MAYHEM, in violation of Penal Code Section 203, a Felony

MINUTES ENTERED

3-2-94
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994
 HONORABLE: SANDY R. KRIEGLER
 J ROUND

JUDGE
 Deputy Sheriff

M CRUZAT
 G GORKOS

Deputy Clerk
 Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for People:

VS
01 JONES, LARRY VERNON

DEPUTY DISTRICT ATTY:

K CADY

AKA 01 JONES, LAWRENCE VERNON

261.A2 3 cts 289 1 ct 288a(c) 2 cts Counsel for Defendant: M GOTTLIEB DPD
 286(c) 3 cts 203 1 ct 245(a)(1). 1 ct

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

as charged in Count Ten of the information.

We further find the allegation that in the commission of the above offense the said defendant, LARRY VERNON JONES, with the intent to inflict such injury, personally inflicted great bodily injury upon Terri Marie Jim, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/ Foreperson"

STRICKEN
 FOR
 DISCHARGE

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of ASSAULT BY MEANS OF FORCE LIKELY TO PRODUCE GREAT BODILY INJURY, in violation of Penal Code Section 245(a)(1), a Felony, as charged in Count Eleven of the information.

We further find the allegation that in the commission of the above offense, the said defendant, LARRY VERNON JONES, with the intent to inflict such injury, personally inflicted great bodily injury upon Terri Marie Jim, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

Re-reading of the verdicts as recorded is waived. The jury is polled and all answer in the affirmative as to all counts. The jury is thanked and discharged. All verdicts and instructions given, ~~and~~ refused ~~and~~ (withdrawn) are filed.

Matter re: priors is called for trial. People's Exhibit 7 (6 pages-Department of Corrections records) is marked for identification only then admitted in evidence. People rest. Defense rests. Matter is submitted. Court finds the allegation pursuant to Penal Code Section 667(a) and the allegation under Penal Code Section 667.5(b) to be TRUE.

Probation and Sentence is set April 4, 1994 at 8:30 a.m. in this department. Defendant waives further probation referral. Time is waived. Defendant and counsel are ordered to return.

MINUTES ENTERED
 3-2-94
 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date:
HONORABLE:APRIL 4, 1994
SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
A FENNERDeputy Clerk
Reporter

LA 015282-01 (Parties and counsel checked if present)
 PEOPLE OF THE STATE OF CALIFORNIA Counsel for People:
 VS DEPUTY DISTRICT ATTY: K CADY ✓
 01 JONES, LARRY VERNON ✓
 AKA 01 JONES, LAWRENCE VERNON Counsel for Defendant: M GOTTLIEB DPD ✓
 261.A2 3 cts 289 1 ct 288a(c) 2 cts
 286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

X 215946

NATURE OF PROCEEDINGS

P&S

REM

11-3-93

Probation denied. Sentence imposed as follows:

Imprisoned in state prison for a total of 78 years.

Court selects the midterm of 6 years in count one plus 5 years consecutive pursuant to Penal Code Section 12022.8. ✓

Plus midterm of 6 years as to count 2 to run consecutive to count 1.

Plus midterm of 6 years as to count 3 to run consecutive to count 1.

Plus midterm of 6 years as to count 4 to run consecutive to count one plus 5 years consecutive pursuant to Penal Code Section 12022.8. ✓

Plus midterm of 6 years as to count 5 to run consecutive to count one.

Plus midterm of 6 years as to count 6 to run consecutive to count one.

Plus midterm of 6 years as to count 7 to run consecutive to count one.

Plus midterm of 6 years as to count 8 to run consecutive to count one.

Plus 5 years consecutive pursuant to Penal Code Section 12022.8

Plus midterm of 6 years as to count 9 to run consecutive to count one.

Plus midterm of 4 years as to count 10 to run consecutive to count one.

Court strikes the great bodily injury allegation pursuant to Penal Code Section 12022.7 for purposes of sentencing only.

Plus midterm of 3 years as to count 11 to run concurrent with count ten.

Court strikes great bodily injury allegation pursuant to Penal Code Section 12022.7 for purposes of sentencing only. Sentence in count 3 - see note 4/19 is stayed pursuant to Penal Code Section 654- stay to become permanent upon completion of the sentence in count 10.

Nunc Pro Tunc 4-19-94

Date:
HONORABLE:APRIL 4, 1994
SANDY R. KRIEGLER
J ROUND

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

JUDGE
Deputy SheriffM CRUZAT
A FENNERDeputy Clerk
ReporterLA 015282-01
PEOPLE OF THE STATE OF CALIFORNIA

(Parties and counsel checked if present)

VS
01 JONES, LARRY VERNON
AKA 01 JONES, LAWRENCE VERNONCounsel for People:
DEPUTY DISTRICT ATTY:

K CADY ✓

261.A2 3 cts 289 1 ct 288a(c) 2 cts
286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

Counsel for Defendant:

M GOTTLIEB DPD ✓

X 215946

NATURE OF PROCEEDINGS

P&S

REM

11-3-93

Plus 5 years consecutive pursuant to Penal Code Section 667(a) prior allegation.

Court strikes the allegation pursuant to Section 667.5(b) Penal Code for purposes of sentencing only.

Court orders that defendant be tested for aids virus pursuant to Penal Code Section 1202.1.

Defendant is ordered to pay \$200.00 restitution pursuant to Government Code Section 13967(a).

Defendant given total credit 302 days in custody (202 actual days in custody plus 100 days good time/work time).

Defendant is advised of appeal rights.

01 REM

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: APRIL 19, 1994
 HONORABLE: SANDY R. KRIEGLER
 J ROUND

JUDGE M CRUZAT
 Deputy Sheriff NONE

Deputy Clerk
 Reporter

LA015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for People:

VS

DEPUTY DISTRICT ATTY:

01 JONES LARRY VERNON

~~EXXMA~~ K CADY

AKA 01 JONES LAWRENCE VERNON

Counsel for Defendant:

261.A2 3 cts 289 1 ct 288a(c) 2 cts

M GOTTLIEB DPD

286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

NO APPEARANCES

NATURE OF PROCEEDINGS

NUNC PRO TUNC ORDER

IT APPEARING TO THE COURT THAT THROUGH INADVERTENCE AND CLERICAL ERROR, THE MINUTE ORDER DATED APRIL 4, 1994 DOES NOT PROPERLY REFLECT THE ORDER OF THE COURT; SAID MINUTE ORDER IS CORRECTED NUNC PRO TUNC AS FOLLOWS:

BY DELETING:

"SENTENCE IN COUNT 3 IS STAYED PURSUANT TO PENAL CODE SECTION 654-STAY TO BECOME PERMANENT UPON COMPLETION OF THE SENTENCE IN COUNT 10."

BY SUBSTITUTING:

"SENTENCE IN COUNT 11 IS STAYED PURSUANT TO PENAL CODE SECTION 654-STAY TO BECOME PERMANENT UPON COMPLETION OF THE SENTENCE IN COUNT 10."

NUNC PRO TUNC ORDER

IT APPEARING TO THE COURT THAT THROUGH INADVERTENCE AND CLERICAL ERROR, THE MINUTE ORDER DATED FEBRUARY 24, 1994 DOES NOT PROPERLY REFLECT OF THE ORDER OF THE COURT; SAID MINUTE ORDER IS CORRECTED NUNC PRO TUNC AS FOLLOWS:

BY ADDING: "On People's motion, the information is amended by interlineation as follows: by reflecting count 12 in the information as the new count 11."

MINUTES ENTERED

4-19-94

COUNTY CLERK

DEPT NW"E"

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date: September 13, 1995

HONORABLE:

SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy Sheriff
Court AttendantM CRUZAT
NONEDeputy Clerk
Reporter

LA015282-01

People of the State of California
vs.

(Parties and counsel checked if present)

Counsel for People:

Deputy District Attorney:

01 JONES, LARRY VERNON

AKA 01 JONES LAWRENCE VERNON

Counsel for Defendant:

261.A2 3 CTS 289 1 CT 288A(C) 2 CTS

286(C) 3CTS 203 1 CT 245.(a) (1) 1 CT

NO APPEARANCES

NATURE OF PROCEEDINGS

COURT ORDER TO AMEND ABSTRACT OF JUDGMENT

REM

--

Good cause appearing, the abstract of judgment is ordered amended as follows:

In Count 10, court orders the great bodily injury allegation under Penal Code Section 12022.7 stayed under Penal Code Section 654 as directed by the Court of Appeal.

The Judgment Clerk is ordered to prepare an Amended Abstract of Judgment and send a copy to the Department of Corrections, district attorney Kathy Cady and public defender Michael Gottlieb.

RECEIVED
CLERK
DEPT. OF CORRECTIONS
LOS ANGELES
SEP 13 1995



01 REM

MINUTE ORDER

DEPT. NW"E"

MINUTE ORDER ENTERED
9/13/95
CLERK, SUPERIOR COURT

LEGAL STATUS SUMMARY TYPE- D CAL ** DISCREPANT **07/23/2007 21:35

CDC NUMBER	NAME	ETHNIC	BIRTHDATE
E17215	JONES, LARRY	BLA	07/04/1966

ACA JONES, LARRY, VERNON

TERM STARTS	MAX REL DATE	MAX ADJ REL DT	CURRENT REL DT
04/27/1994	05/28/2071	05/28/2071	01/20/2065

BASE TERM	4/00 + ENHCMNTS	74/00 = TOT TERM	78/00	PAROLE PERIOD
				3 YRS

PRE-PRISON + POST SENTENCE CREDITS

CASE	P2900-5	P1203-3	P2900-1	CRC-CRED	MH-CRED	P4019	P2931	POST-SENT	TOT
LA015282	202					100		22	324

REGISTRATION REQUIRED PER P290

PC296 DNA COMPLETED

NOTIFICATION REQUIRED PER P3058.6

RCV DT/ COUNTY/	CASE	SENTENCE DATE	CREDIT	OFFENSE
CNT OFF-CODE DESCRIPTION			CODE	DATE

CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

CONTROLLING CASE

4/27/1994	LA	LA015282	4/04/1994		
		01 P667(A)	01 PFC SERIOUS	1	
10 P202		MAYHEM		1	09/11/1993
01 P287(A)		RAPE FOREIGN OBJ	CS	1	09/11/1993
		P12022.8	01 GBI SEX CRIME	1	
02 P288A(C)		ORAL COP W/FO	CS	1	09/11/1993
03 P261(2)		RAPE/RESIST F/V	CS	1	09/11/1993
04 P286(C)		SOD W/FO	CS	1	09/11/1993
		P12022.8	01 GBI SEX CRIME	1	
05 P261(2)		RAPE/RESIST F/V	CS	1	09/11/1993
06 P286(C)		SOD W/FO	CS	1	09/11/1993
07 P261(2)		RAPE/RESIST F/V	CS	1	09/11/1993
08 P286(C)		SOD W/FO	CS	1	09/11/1993
		P12022.8	01 GBI SEX CRIME	1	
09 P288A(C)		ORAL COP W/FO	CS	1	09/11/1993

WTIP WAIVER	BEGINNING	CREDIT	TOTAL	TOTAL	NET
DATE	BALANCE	APPLIED	LOST	RESTORED	TOTAL
04/27/1994	2409	2965	766	120	2319

CREDITS AUTO RE-VESTED PER PC-2934 : 11

TRAN	DATE	END DATE	LOG NUMBER	RULE	VIOL
TYPE				NUMBER	CAT DAYS

***** CONTINUED *****

STATE OF CALIFORNIA

CHRONOLOGICAL HISTORY

DEPARTMENT OF CORRECTIONS

CDC 112 (Rev)

Date	Chronological Listings	Initials	Dead Time	Release Date
11-21-97	WC LOSS <u>281</u> OF DAYS, LOG # <u>9710012</u> DATED <u>10-2-97</u>	PC	EPRD	6-15-2046
DEC 23 1997	REC'D CSP-CORCORAN	MB		
9-17-98	Intake audit. PC 290 preregistration not required. Date change due to D2 time from 10-7-97 to 5-22-98. WCG thru 9-16-98 @ A2	JB	Good	10-28-2046
11/25/98	WCL, 120 days, # 389811009, dtd 11/4/98	(Dm)	Good	1-16/2049
6-22-99	It effective 6-22-99	CMB	EPRD	12-24-2035
9-2-99	Transfer Audit - Remanded for compliance with PC 296	CMB		
SEP 08 1999	Rec'd HOSP	PR		
10-22-99	INTAKE AUDIT	PC		
10-22-99	Reviewed for Compliance with PC 296 / Credit Code review	PC		
5-12-2000	WCG THRU <u>4-30-2000</u> , 6 MONTH	PC	EPRD	2-24-2035
12-7-00	WCG THRU <u>11-30-00</u> , 6 MONTH	PC	EPRD	2-24-2035
6-21-01	WCG THRU <u>5-31-01</u> , 6 MONTH	SP	EPRD	2-24-2035
10-30-01	WC RESTORE OF <u>30</u> DAYS, LOG # <u>9602035</u> , CHRONO <u>10-25-01</u>			
	WC RESTORE OF <u>90</u> DAYS, LOG # <u>9608012</u> , CHRONO <u>10-25-01</u>			
12-21-01	Transfer Audit	SP	EPRD	12-26-34
12/27/2001	Rec'd CCI-TV	SP	EPRD	12-27-34
3-19-2002	INTAKE AUDIT, WCG Thru 2-28-2002 @ A'	gb	Good	12-27-2035
3-19-2002	Notice requested per 3058.6	gb		
3-19-2002	P3060.7 Supervision Case	gb		
10-3-02	Six month work credit gain. Credit applied through 9-30-02	PC	EPRD	12-27-2034
3-26-03	RECEIVED CSP-CORCORAN	SP		
Number <u>E17215</u>	Name <u>Jones, Larry</u>			Page <u>10</u>

CDC 112 (8-83)

1-d

STATE OF CALIFORNIA

CHRONOLOGICAL HISTORY

DEPARTMENT OF CORRECTIONS

CDC 112 (9-83)

Date	Chronological Listings	Initials	Dead Time	Release Date
10-21-93	SB16 Audited - Ineligible	WCC	RED	9-15-94
4-28-94	Rec'd CCT-EC PVWATT	(B)	MCDD	7-4-95
5-16-94	PROCESS AUDIT	EBR	DR	N/A
	RESTITUTION ORDERED PER		Amir del	9-16-2015
	LA CO. CASE # LA05282, \$200 ⁰⁰	EBR		
MAY 24 1994	REC'D CALIFORNIA STATE PRISON			
JUN 10 1994	INTAKE AUDIT	negd		
	WCG @ A ² thru 6-8-94;			
	NOTICE PURSUANT TO 3058.6 PC	ARR		
2-25-95	WCG AT A ² THRU 1-31-95.	ARR		
8-2-95	Transfer Audit			
04 AUG 1995	REC'D CSP-LAC			
9-1-95	EPRD recalculated WCG through 9-1-95 @ AI	CU	EPRD	4-27-2033
9-6-95	Intake Audit	CU		
9-29-95	Received amended Abstract of Judgment and modified Minute Order in Los Angeles Co. case LA015282 correcting sentencing errors on cts 10, 11. Total term unchanged	CU		
3-14-96	30 day WCL 9602035 (115 dated 2-14-96)			
	6 month WCG through 2-29-96 @ AI	CU	EPRD	5-21-2033
5-28-96	Rec'd HDSP	K100		
8-12-96	WCL thru 7-31-96, ^{at DI} WCL #96070015, -75	ST	EPRD	12-8-2041
8-13-96	Ohio update completed	ST		
8-19-96	WCL thru 7-3-96 at DI, WCL #9608012 -90	ST	EPRD	2-6-2046
2-8-97	WCL thru 1-31-97 Intake audit, 6 mo audit	W	EPRD	2-14-2046
8/26/97	WCG Thru 7/31/97 6 mo Gain	PC	EPRD	2-14-204

Number

E17215

Name

Tomas Larri

Page

1h

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR.

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff-Respondent,

v.

LAWRENCE VERNON JONES,

Defendant-Appellant.

Court of Appeal No. B084730
Superior Court No. LA015282

STATEMENT OF APPEALABILITY

This appeal is from a final judgment following a jury trial and is authorized by Penal Code section 1237.¹

STATEMENT OF THE CASE

Appellant, Lawrence Vernon Jones, was charged in an information filed November 3, 1993, in Count 1 with forcible anal or genital penetration by a foreign object (sec. 289 subd. (a)); in Counts 2 and 9 with forcible oral copulation (sec. 288(a) subd. (c)); in Counts 3, 5 and 7 with forcible rape (sec. 261 subd. (a)(2)); in Counts 4, 6 and 8 with forcible sodomy (sec. 286 subd. (c)); in Count 10 with mayhem (sec. 203); and in Count 11 with assault with intent to inflict great bodily injury (sec. 245 subd. (a)(1)). Counts 1, 2, 3, 4, 5, 7, 8 and 9 also alleged that appellant inflicted great bodily injury in the commission of the respective offenses (sec. 12022.8) and in Counts 10 and 11 that appellant personally inflicted great bodily injury (sec. 12022.7).

1. All references are to the Penal Code unless otherwise indicated.

The information also alleged a serious felony prior (sec. 667 subd. (a)) and a prison prior (sec. 667.5 subd. (b)). The victim in all offenses was alleged to be Terri Marie Jim. All offenses were alleged to have occurred on or about September 11, 1993. (C.T.² 72-82)

On March 2, 1994, the jury found appellant guilty of all offenses as charged and found that appellant inflicted great bodily injury as alleged in Counts 1, 4 and 8. The jury found appellant personally inflicted great bodily injury in Counts 10 and 11. The jury found the great bodily injury allegations in Counts 2, 3, 5, 7 and 9 to be not true. (C.T. 196-200; R.T.³ 307-315)

On April 4, 1994, the court selected Count 1 as the base term and imposed the midterm of six years plus a consecutive five years for the great bodily injury enhancement; in Count 2 a consecutive midterm of six years; in Count 3 a consecutive midterm of six years; in Count 4 a consecutive midterm of six years plus a consecutive five-year sentence for the great bodily injury enhancement; in Count 5 a consecutive midterm of six years; in Count 6 a consecutive midterm of six years; in Count 7 a consecutive midterm of six years; in Count 8 a consecutive midterm of six years plus five years for the great bodily injury enhancement; in Count 9 a consecutive midterm of six years; in Count 10 a consecutive midterm of four years and struck the punishment for the great bodily injury enhancement. Pursuant to

² C.T. refers to the Clerk's Transcript.

³ R.T. refers to Reporter's Transcript.

section 654 the court stayed the sentence in Count 11. The court imposed a consecutive five years for the serious felony prior and struck the punishment for the prison prior for a total sentence of 78 years. (C.T. 212-216; R.T. 324-331)

Appellant filed a timely notice of appeal on April 28, 1994. (C.T. 217)

STATEMENT OF FACTS

In September, 1993, Thomas Jim⁴ was living with his wife, Terri Marie Jim, in North Hollywood. On September 10, or early September 11, 1993, Terri Marie left the house to get a pack of cigarettes at the store.⁵

On her way to the store, she was grabbed from behind by a black man, who she identified as appellant, near the railroad tracks. They fell to the ground (R.T. 72-73, 81) and fought for five to ten minutes, hitting each other in the head with rocks. (R.T. 74) Terri Marie got up to run but appellant caught her from behind. (R.T. 75) Appellant showed Terri Marie his arm and told her she had injured him. (R.T. 97) He took her to a couch that was by the side of the tracks, ripped her clothes off, and forced her to orally copulate him for five to ten minutes. Appellant inserted his finger and then his penis in her vagina, then sodomized her; and then again inserted his penis in her vagina.

⁴ At the time of his testimony, Jim was in custody after conviction for crimes of spousal abuse and assault on a police officer. (R.T. 42)

⁵ Thomas testified Terri Marie left around 11:00 p.m. (R.T. 43); Terri Marie testified the time was around 12:30 a.m. (R.T. 67).

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF IMPERIAL

(C.C.P. SEC. 446 & 2015.5; 28 U.S.C. SEC. 1746)

I, Larry Jones DECLARE UNDER THE PENALTY OF PERJURY THAT: I AM THE _____ IN THE ABOVE ENTITLED ACTION; I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 2 DAY OF April 2, 2008, AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002

(SIGNATURE)

Larry Jones
(DECLARANT PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5; 28 U.S.C. SEC. 1746)

I, Larry Jones AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA; I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002, CALIPATRIA, CALIFORNIA 92233-5002

ON April 2, 2008, I SERVED THE FOREGOING:

Habeas Corpus to District Court and Attorney General

(SET FORTH EXACT TITLE OF DOCUMENT IS SERVED)

ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002

Office of the Attorney General

110 West "A" Street

SAN DIEGO, CA. Suite 1100

92101-5266

U.S.D.C. Southern District of Calif

4290 Edward J Swartz

United States Courthouse

940 Front Street

SAN DIEGO CA. 92101

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: April 2, 2008.

Larry Jones
(DECLARANT PRISONER)

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of filing the civil cover sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Larry Vernon Jones

LE Scribner

APR - 4 2008

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF **Imperial**
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (U.S. PLAINTIFF CASES ONLY)
Imperial

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

254 1983
FILING FEE PAID
Yes No
PP MOTION FILED
Yes No
COPIES SENT TO
Court

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Larry Vernon Jones
PO Box 5004
Calipatria, CA 92233
E-17215

ATTORNEYS (IF KNOWN)

'08 CV 0623 JLS RBB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC81 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 421 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(a)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 4/4/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Miller

VERIFICATION

STATE OF CALIFORNIA COUNTY OF IMPERIAL

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, LARRY JONES DECLARE UNDER PENALTY OF PERJURY
THAT: I AM THE petitioner IN THE ABOVE ENTITLED ACTION;
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 10th DAY OF: June 20 08 AT CALIPATRIA
STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE)

Larry Jones
(DECLARANT PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, LARRY JONES AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY
OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM / NOT
A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002.
CALIPATRIA, CALIFORNIA #92233-5002.

ON June 10 20 08 I SERVED THE FOREGOING: Amended petition

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S),
WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED
AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

U.S. District Court
Southern Div. of Calif.
Office of the Clerk
880 Grant Street Rm. 4210
San Diego, CA. 92101-8900

Office of Att. General
State of Calif.
110 W. "A" Street Suite 700
San Diego, CA. 92101

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: June 10 2008

Larry Jones
(DECLARANT PRISONER)